

## **SECTION 05-03 PROCEDURES FOR FILING AND REVIEW**

|          |                         |
|----------|-------------------------|
| 05-03-01 | Pre-Application Meeting |
| 05-03-02 | Preliminary Plat        |
| 05-03-03 | Final Plat              |

**Section 05-03-01. Sketch Plan.** In order to insure that all applicants are informed of the procedural requirements and minimum standards of this Ordinance, and the requirements and limitations imposed by other City ordinances, plans and/or policies prior to the preparation of a preliminary plat, all applicants shall present a sketch plan to the Zoning Official prior to filling a preliminary plat. Approval of a sketch plan shall not be considered binding in regard to subsequent plat review. The Zoning Official, notably in the case of multi-phased projects, shall have the authority to refer the sketch plan to the Planning Commission and/or City Council for review and comment.

The sketch plan submission shall include, but not be limited to the following:

- A. Formal request for subdivision.
- B. Five (5) copies of the plat sketch at a scale not less than one (1) inch equals one hundred (100) feet.
- C. An 8½ x 11 inch reduction of the sketch plan.
- D. Payment of application fee as established by City Council resolution.
- E. Escrow deposit to pay review costs of City Staff and consultants.
- F. In cases of multi-phased subdivisions, applicable preliminary plat submission information as outline in Section 05-06-02 of this Ordinance.

### **Section 05-03-02. Preliminary Plat.**

- A. Pursuant to Minnesota Statutes 15.99, as may be amended, an application for a preliminary plat shall be approved or denied by the City Council within sixty (60) days from the date of its official and complete submission unless notice of extension is provided by the City or a time waiver is granted by the applicant. If applicable, processing of the application through required State or Federal agencies shall extend the review and decision-making period an additional sixty (60) days unless this limitation is waived by the applicant.
- B. After the pre-application meeting and following City review of the sketch plan, the applicant shall prepare a request for subdivision, as provided within this Ordinance, and shall be filed with the City on an official application form. Such application shall be accompanied by a fee as established by City Council resolution. Such application shall also be accompanied by five (5)

large scale copies and one (1) reduced scale (not less than 11" x 17") copy of a preliminary plat and supportive information in conformity with requirements of this Ordinance. If, in the opinion of the Zoning Official, reduced scale drawing(s) (11" x 17") is determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. The request for subdivision shall be placed on the agenda of the first possible Planning Commission meeting occurring after fifteen (15) working days from the date of submission.

- C. The applicant shall supply proof of title and the legal description of the property for which the subdivision is requested, consisting of an abstract of title or registered property abstract currently certified together with an Opinion of Title and any unrecorded documents whereby the petitioners acquire a legal ownership or equitable ownership interest and as applicable, supply documented authorization from the owner(s) of the property in question to proceed with the requested subdivision.
- D. The applicant shall submit any necessary applications for variances from the provisions of this Ordinance, as set out in Section 05-10-02. The preliminary plat shall be considered as being officially submitted only when all of the information requirements are complied with and the appropriate fees paid.
- E. Upon receipt of the completed application as outlined in B, C and D above, the City shall set a public hearing following proper hearing notification as applicable. The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description and description of request, and be published in the official newspaper at least ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within five hundred (500) feet of the boundary of the property in question (public right-of-way shall not be included in the five hundred (500) foot measurement). The Zoning Official shall have the right to provide additional property owners notification beyond the five hundred (500) foot distance if it is judged that the requests will have impact upon additional properties. In the case of a proposed subdivision which abuts a municipal corporate boundary, notices shall be sent to the appropriate Township Board of Supervisors. Records of the County Assessor shall be deemed sufficient for determining the location and ownership of all such properties. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.
- F. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Section provided a bona fide attempt has been made to comply with the notice requirements of this Section.

- G. The Zoning Official shall instruct staff as appropriate to prepare technical reports and provide general assistance in preparing a recommendation on the action to the City Council. This may include the City Planner, City Engineer, City Building Official, the City Attorney, or public or private utility departments, among others.
- H. The City shall refer copies of the preliminary plat to County, State or other public jurisdictions for their review and comment, where appropriate and when required.
- I. The City Council, Planning Commission, and City Staff shall have the authority to request additional information from the applicant concerning the proposed subdivision and its operational factors or impact, or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors or impacts, when said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
- J. The applicant or a designated representative thereof shall appear before the Planning Commission at the public hearing in order to answer questions concerning the proposed request.
- K. The Planning Commission shall report its findings and make its recommendation to the City Council no later than thirty (30) days after the close of public hearing described in E above. If the Planning Commission has not acted upon the preliminary plat within thirty (30) days following the close of public hearing, the Council may act on the preliminary plat without the Planning Commission's recommendation.
- L. City Council Action:
  - 1. Upon completion of the report and recommendation of the Planning Commission, the request shall be placed on the agenda of the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
  - 2. Upon receiving the report and recommendation of the Planning Commission and City Staff, the City Council shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact and may impose any condition it considers necessary to protect the public health, safety and welfare.
  - 3. If, upon receiving said reports and recommendations of the Planning Commission and City Staff, the City Council finds that specific inconsistencies exist in the review process and thus the final decision

of the City Council will differ from the recommendation of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.

4. Approval of the preliminary plat by the City Council shall require passage by three-fifths (3/5's) vote. If the preliminary plat is approved, such approval shall not constitute final acceptance of the design and layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this Ordinance to be indicated on the final plat. The City Council may impose such conditions and restrictions as it deems appropriate or require such revisions or modifications in the preliminary plat or final plat as it deems necessary to protect the health, safety, comfort, general welfare and convenience of the City.
5. If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the Council and shall be transmitted to the applicant.
6. The City Council reserves the right to decline approval of a preliminary plat if due regard is not shown for the preservation of all natural features, such as topography, trees, water courses, scenic points, prehistoric and historical spots, and similar community assets which, if preserved, will add attractiveness and stability to the proposed development of the property.
7. Following City Council approval of a preliminary plat, the applicant must submit a final plat to the City within one hundred (100) days of preliminary plat approval unless otherwise specified as part of a Development Agreement. If this procedure is not followed, then approval of the preliminary plat shall be considered void, unless request for time extension is submitted in writing by the applicant thirty (30) days prior to the lapse of approval and subsequently approved by the City Council.
8. Should the applicant desire to amend a preliminary plat as approved, an amended preliminary plat may be submitted. The City may require the applicant to follow the same procedure as a new preliminary plat. No public hearing will be required unless the amendment, in the opinion of the City, is of such scope as to constitute a new preliminary plat. A filing fee as established by City Council resolution shall be charged for the amendment processing.

### **Section 05-03-03. Final Plat.**

- A. After the preliminary plat has been approved, a final plat shall be submitted for review as set forth in the subsections which follow. The City may agree to review the preliminary and final plat simultaneously. The final plat shall incorporate all changes, modifications and revisions required by the City. Otherwise, it shall strictly conform to the approved preliminary plat.
- B. All final plats shall comply with the provisions of Minnesota Statutes and requirements of this Ordinance.
- C. The applicant shall submit with the final plat a current Abstract of Title or Registered Property Certificate, along with any unrecorded documents, and an Opinion of Title.
- D. The applicant shall submit with the final plat certification to the City that there are no delinquent property taxes, special assessments, interest, and City utility fees due upon the parcel of land to which the subdivision application relates.
- E. Review of a Final Plat:
  - 1. Pursuant to Minnesota Statutes 15.99, as may be amended, an application for a final plat shall be approved or denied by the City Council within sixty (60) days from the date of its official and complete submission unless notice of extension is provided by the City or a time waiver is granted by the applicant. If applicable, processing of the application through required State or Federal agencies shall extend the review and decision-making period an additional sixty (60) days unless this limitation is waived by the applicant. If the final plat is not approved, the reasons for such action shall be recorded in the official proceedings of the City and shall be transmitted to the applicant.
  - 2. Five (5) large scale copies of the final plat and one (1) reduced scale (not less than 11" x 17") copy of the final plat shall be submitted by the applicant. If, in the opinion of the Zoning Official, reduced scale drawings (11" x 17") are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. In the event that the final plat is referred to the Planning Commission for recommendation, additional large scale copies of the plat may be required. Upon receipt of a final plat, copies shall be referred to the City Council, appropriate City staff, and to all applicable utility companies, County, and State agencies. One (1) copy, with Abstract of Title or Registered Property Certificate and opinion title shall be referred to the City Attorney.

3. The City Council may refer the final plat to the Planning Commission for recommendation if they find the proposed final plat is substantially different from the approved preliminary plat or the requirements of the preliminary plat are not resolved. In such cases, the Planning Commission shall submit a report thereon to the City Council within thirty (30) days.
4. The City staff receiving final plat copies shall as appropriate submit reports to the City Council within ten (10) working days, documenting and expressing their recommendation on the final plat.
5. Prior to approval of a final plat, the applicant shall have executed a Development Agreement with the City, which controls the installation of all required improvements and assures compliance with all conditions of approval. Said agreement will require all improvements and approval conditions to comply with approved engineering standards and applicable regulations.
6. Approval of a final plat by the City Council shall require passage by three-fifth's (3/5's) vote.
7. Upon receiving an approved final plat in conformance with the requirements of the City, the designated representatives of the City shall sign the plat, and the applicant, as a condition of approval, shall record the approved and signed final plat with the County Registrar of Deeds within sixty (60) days, or the approved final plat shall be considered void.
8. The applicant shall, within thirty (30) days of recording, furnish the City with three (3) blue or black line prints and one (1) mylar of the final plat showing evidence of the recording. Failure to furnish such copies shall be grounds for refusal to issue building permits for lots within a plat.
9. Upon receiving approval of a final plat for a portion of an approved preliminary plat, a continuation of the recognition of the preliminary plat is not required to maintain its approval. In the event a Zoning Ordinance amendment is adopted which requires a larger minimum lot size for land not yet platted and recorded, the larger minimum lot size may be required for any additional platting. If the applicant is unable to file a final plat application within the required one hundred (100) days, such person shall file a written request for an extension of the preliminary plat approval with the Zoning Official and receive City Council approval prior to the end of the one hundred (100) days. Said applicant's request shall specify and the City Council shall, if approved, determine the length of time for filing and for the

preliminary plat to remain in full force and effect.